

**IN THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF ILLINOIS**

AIMEE CAMPBELL;

Plaintiff,

vs.

ITR CONCESSION CO., LLC,

c/o CT CORPORATION
251 EAST OHIO STREET
INDIANAPOLIS, IN 46204;

STATEWIDE MOBILITY PARTNERS,
LLC,

c/o THE CORPORATION TRUST COMPANY
CORPORATION TRUST CENTER
1209 ORANGE STREET
WILMINGTON, DE 19801;

MACQUARIE INFRASTRUCTURE
GROUP;

c/o MICHAEL BERNASIEWICZ
125 WEST 55 STREET
LEVEL 22
NEW YORK, NY 10019

CINTRA CONCESIONES DE
INFRAESTRUCTURAS DE TRANSPORTE
SA;

c/o NICOLAS CORRAL
7700 CHEVY CHASE DR.
CHEVY CHASE PARK, STE 500
AUSTIN, TX 78752

Defendants.

FILED: APRIL 2, 2009

09CV2028

JUDGE KENDALL

MAGISTRATE JUDGE COX

Case No.: CH

Judge:

COMPLAINT

(JURY DEMANDED HEREON)

COMPLAINT

NOW COMES Plaintiff, AIMEE CAMPBELL, by and through her counsel, Michael B. Ely and CLAPP, DESJARDINS & ELY, PLLC, and files the within Complaint in Civil Action and states as follows:

PARTIES

1. At all times mentioned herein, Plaintiff AIMEE CAMPBELL is an adult individual and citizen of the state of Illinois, living at 1951 W. Byron, Apt. 2, Chicago, IL 60613.
2. At all times mentioned herein, Defendant ITR CONCESSION CO., LLC (hereinafter “ITR”) is a business incorporated under the laws of Delaware, with its main place of business at 1209 Orange Street, Wilmington, DE 19801, and which regularly does business in the State of Illinois.
3. At all times mentioned herein, Defendant STATEWIDE MOBILITY PARTNERS, LLC (hereinafter “STATEWIDE”) is a business incorporated under the laws of Delaware, with its main place of business at 1209 Orange Street, Wilmington, DE 19801, and which regularly does business in the State of Illinois.
4. At all times mentioned herein, Defendant MACQUARIE INFRASTRUCTURE GROUP (hereinafter “MIG”) is a foreign corporation organized under the laws of Australia, with its main place of business at L11, 1 Martin Place, Sydney NSW 2000, Australia, and which regularly does business in the State of Illinois.
5. At all times mentioned herein, Defendant CINTRA CONCESIONES DE INFRAESTRUCTURAS DE TRANSPORTE SA (hereinafter “CINTRA”) is a foreign corporation organized under the laws of Spain, with its main place of business at Plaza de Manuel, Gómez Moreno, 2, Edificio Alfredo Mahou, 28020 Madrid, Spain, and which regularly does business in the State of Illinois.

JURISDICTION AND VENUE

6. Pursuant to 28 U.S.C. 1332(a), jurisdiction is founded on diversity of citizenship in that

this action is between Plaintiff, a citizen of the state of Illinois, and Defendants, whose principal places of business are Wilmington, DE, Sydney, Australia, and Madrid, Spain.

7. The amount in controversy in this action exceeds \$75,000, exclusive of interest and costs.
8. Pursuant to 28 U.S.C. §§ 93(a)(1) and 1391(a)(3), venue is proper in the Northern District of Illinois, Eastern Division, as the Plaintiff resides in Cook County, Illinois, and each of the Defendants is subject to personal jurisdiction in this Court.

GENERAL COUNT

9. The Indiana Toll Road is operated and managed by Defendant ITR on behalf of Defendant STATEWIDE.
10. Defendant STATEWIDE is a consortium made up of Defendants MIG and CINTRA.
11. On or about Monday, December 22, 2009, Plaintiff AIMEE CAMPBELL entered the Indiana Toll Road.
12. Due to extreme inclement weather, the Indiana Toll Road was covered in ice and snow.
13. Defendant ITR neither closed nor adequately cleaned the Indiana Toll Road on the day in question, making the road dangerous for travel.
14. As a result of Defendants actions, Plaintiff AIMEE CAMPBELL lost control of her vehicle due to the icy conditions.
15. As a direct result of Defendants actions, Plaintiff AIMEE CAMPBELL suffered severe pain and injury.
16. As a further result of Defendants actions, Plaintiff AIMEE CAMPBELL has incurred medical expenses and has experienced a loss of earnings.

COUNT I
NEGLIGENCE AS TO DEFENDANTS ITR, STATEWIDE, MIG, CINTRA, AND MIP

17. Plaintiff hereby re-alleges and re-avers the allegations contained in the foregoing paragraphs as if fully rewritten herein.

18. Defendants had a duty to operate the Indiana Toll Road with reasonable care, including during inclement weather and under hazardous conditions, for all foreseeable uses.

19. Defendants breached the aforementioned duty to use reasonable care and was negligent, careless and reckless for reasons including, but not limited to, the following acts and/or omissions:

- a. By failing to close the Indiana Toll Road due to the dangerous conditions caused by inclement weather;
- b. By failing to ensure that the road surface was properly maintained and/or cleaned under the existing weather conditions;
- c. By failing to advise or otherwise warn drivers of the dangerous conditions that existed;
- d. By failing to give notice or otherwise warn drivers that the road was not clean;
- e. By failing to give notice or otherwise warn drivers that the road was unsafe to be traveled on;
- f. By failing to advise or otherwise warn drivers to not enter the Indiana Toll Road once the road surface became unsafe to travel on;
- g. By failing to advise or otherwise warn drivers to exit the Indiana Toll Road once the road surface became unsafe to travel on; and/or,
- h. By other negligent, reckless, and careless acts and/or omissions as yet discovered and defined.

20. The injuries suffered by the Plaintiff herein and his ultimate death were the direct and proximate result of the negligent acts or omissions of the Defendants, as set forth herein.

21. WHEREFORE, Plaintiff demands judgment against all Defendants for compensatory and punitive damages in an amount in excess of Seventy Five Thousand Dollars and No Cents (\$75,000.00) plus interests, costs and attorney's fees as provided by law.

JURY TRIAL DEMANDED ON ALL ISSUES TRIABLE BY A JURY.

Respectfully submitted this 2nd day of April, 2009.

CLAPP, DESJARDINS & ELY, PLLC

/s/ Michael B. Ely
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